

**DETERMINATION AND FINDINGS  
FOR AN  
EMERGENCY PROCUREMENT**

**CONTRACT NO.:** DCKA-2016-C-0047  
**CAPTION:** Emergency Hot Mix/Asphalt Contract  
**CONTRACTOR:** Fort Myer Construction Corporation  
**AGENCY:** District Department of Transportation (DDOT)

**FINDINGS**

**1. AUTHORIZATION:**

Section 405 of the PPRA, D.C. Law 18-371, DC Official Code 2-354.05 et seq., 27 DCMR 1712.

**2. MINIMUM NEED:**

The Department of Transportation (DDOT) Traffic Operations Administration (TOA) has an emergency requirement for various mixes of hot, warm and cold asphalt mixes to be used when filling potholes and performing deep patching and street paving work throughout the District of Columbia.

**3. ESTIMATED REASONABLE PRICE:**

\$322,700.00

**4. FACTS WHICH JUSTIFY EMERGENCY PROCUREMENT:**

- A. Under Contract DCKA-2015-C-0012, Fort Myer had the responsibility to furnish bituminous hot and cold mix asphalt and tack coat emulsion as specified in their scope of work. This material is mandatory to the city's maintenance and repair of roadways throughout the District
- B. On November 6, 2015, the final option period of the Contract expired. OCP, in preparation of this, had been in communication with TOA regarding the impending expiration to request guidance in terms of issuing a new solicitation for a follow-on agreement since prior to this date. Due to turnover within the leadership of the administration, OCP has experienced significant challenges in determining which of the subgroups within the administration would handle the development of the requirements. As such, OCP has been unable to obtain the correct specifications in order move forward with a new, long term procurement for asphalt which is such a critical component to the mission of the Street and Bridge Maintenance subgroup which is required to provide patching, pothole and pavement repair in order to maintain safe streets and pathways for the District's residents and visitors.
  - 1. Without the provision of these supplies from the contractor, the District would be unable to fulfill its mission.
- C. Despite this, it remains that the services provided by the Contractor are integral to the District's operations as well as to the safety and security of its residents and visitors. The damage that could arise from the District's inability to respond and provide emergency patching, pothole repair, pavement repair, etc. on the city's streets could potentially cause vehicular and or bodily harm.

D. DDOT does not have the capability to produce this type material (asphalt) that this contractor produces on a daily basis at its plant located within the District. Thus, the services of Fort Myer Construction Corporation are necessary to ensure

**5. CERTIFICATION BY AGENCY HEAD:**

I hereby certify that the above findings are true, correct and complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Leif Dormsjo, Director  
District Department of Transportation

**6. CERTIFICATION BY CONTRACTING OFFICER**

I have reviewed the above findings and certify that they are sufficient to justify the use of the emergency method of procurement under the cited authority.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Courtney B. Lattimore  
Deputy Chief Contracting Officer

**DETERMINATION**

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive bidding process. Accordingly, I determine that the District is justified in using the emergency method of procurement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
George A. Schutter, III  
Chief Procurement Officer  
Office of Contracting & Procurement